

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN E. PINK

Petitioner,

V.

STATE OF WASHINGTON,

Respondent.

Case No. C07-5545 FDB

ORDER ADOPTING REPORT AND RECOMMENDATION

The Magistrate Judge recommends this habeas corpus petition be dismissed without prejudice. As noted by the Magistrate Judge, the Petitioner's issues are pending in the state court proceedings. Thus, Petitioner's request for habeas corpus relief be denied as premature. See, 28 U.S.C. § 2254(b). Petitioner objects, asserting that this Court should delay consideration of the petition pending the state court determination. Petitioner's arguments are unpersuasive.

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
 - (2) The petition is **DISMISSED WITHOUT PREJUDICE**. The issues presented are currently in state court and are therefore unexhausted.
 - (3) The Clerk is directed to send copies of this Order to Petitioner, and to the Hon. J. Kelley Arnold.

DATED this 21st day of December 21, 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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